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The Lanham Act defines the statutory and common law boundaries to trademarks and service marks. Trademarks (and service marks) are words or designs used in the advertising of goods and services. Rights to use a trademark are defined by the class(es) for which the trademark is used. Therefore, it is possible for different parties to use the same trademark in different classes. The Lanham Act defines the scope of a trademark, the process by which a federal registration can be obtained from the Patent and Trademark Office for a trademark, and penalties for trademark infringement.

The following shall not be actionable under this section:

- (A) Fair use of a famous mark by another person in comparative commercial advertising or promotion to identify the competing goods or services of the owner of the famous mark.
- (B) Noncommercial use of a mark.
- (C) All forms of news reporting and news commentary.

UNDER A) I am identifying the business by their logo. The slogan "The Fast & Fun Way To Sell On eBay" was not true in my experience

UNDER C) Its not a matter of whether a blog is a proper outlet ... my site is specifically set up as news & news commentary. I have broken 3 major stories and my daily post is about commenting on the news as applies to eBay and Apple - where I make my living - serving in those 2 areas of expertise.